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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,501	09/15/2000	Makoto Korehisa	450100-02714	2807
20999	7590	02/25/2005	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				HUYNH, SON P
ART UNIT		PAPER NUMBER		
		2611		

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/663,501	KOREHISA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Son P Huynh	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 September 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2 and 12-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2 and 12-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 September 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. Claims 1 and 3-11 have been canceled.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2,12-13, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6,536,041) in view of Picco et al. (US 6,029,045).

Regarding claim 2, Knudson teaches a broadcast program information processing apparatus (figure 1) comprising:

a data server (e.g. facility 22) having a database (program guide database 24) for storing broadcast program information (figure 1); and  
a plurality of broadcast program information receiving apparatus (television distribution facility 26 or set top box 52 – figure 1) having a means for accessing the data server and for downloading the broadcast program information (col. 6, lines 26-67); wherein the downloading means of each of the broadcast program information receiving apparatus downloads the broadcast program information from the data server

continuously, periodically, or on demand, or may be performed using any other suitable technique (col. 7, lines 9-11; col. 11, lines 7-18). However, Knudson does not specifically disclose downloading at a determined time.

Picco teaches downloading at a determined time (i.e., 3 A.M- col. 3, lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson to use the teaching as taught by Picco in order to maximize utilization of the bandwidth.

Regarding claim 12, Picco further discloses the determined time is a function of a random timing based on a preset time (whenever the spare bandwidth is not being used or at any time the data is requested – col. 9, line 1-col. 10, line 32).

Regarding claim 13, Picco further discloses the determined time is a function of a time set by a management server (scheduler 148), which manages the data server (figure 4 and col. 7, lines 1-67).

Regarding claim 18, Picco further discloses the determined time is a function of a time set for a service provider (i.e., local content provider) that is adapted to be connected to the broadcast program information receiving apparatus (set top box – figure 4, col. 7, lines 1-67).

Regarding claim 19, Picco further disclose the determined time is a function of a load distribution state of the data server, that downloads the broadcast program information at a determined access time is met by scheduled time is a function of load distribution instruction of the scheduler (col. 7, lines 37-41), that downloads the local content and private data to the set top box (col. 3, lines 20-29; col. 7, lines 1-61; col. 9, lines 1-7).

4. Claims 14-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6,536,041) in view of Picco et al. (US 6,029,045) as applied to claim 2 above, and further in view of Yuen et al. (US 6,583,825).

Regarding claim 14, Knudson in view of Picco teaches an apparatus as discussed in the rejection of claim 2. However, neither Knudson nor Picco specifically disclose a function of time set by a table, the table adapted to store access times.

Yuen discloses a function of time set by a table (e.g., host schedule packet – figure 11), the table adapted to store access time for the server (e.g. broadcast electronic program guide at 10:30 A.M and again at 7:00 P.M – col. 10, lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson and Picco to use the teaching of a table to store access times as taught by Yuen in order to automatically send out data in a predetermined order.

Regarding claim 15, Yuen further discloses the table includes region codes (e.g., region codes for host 0407) in which postal code are identifiers (col. 10, lines 1-64).

5. Claims 16-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (US 6,536,041) in view of Picco et al. (US 6,029,045) and Yuen et al. (US 6,583,825) as applied to claim 14 above, and further in view of Ganzer et al. (US 5,121,430).

Regarding claim 16, Knudson in view of Picco and Yuen teaches an apparatus as discussed in the rejection of claim 14. Yuen further discloses particular geographic area (col. 4, lines 42-67). However, none of these references specifically discloses region codes in which telephone area codes are identifiers.

Ganzer discloses region codes in which telephone area codes are identifiers (col. 3, lines 41-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson, Picco and Yuen to use the teaching as taught by Ganzer in order to target advertisement to predetermined group of telephone users.

Regarding claim 17, Knudson in view of Picco and Yuen teaches an apparatus as discussed in the rejection of claim 14. However, none of these references specifically discloses region codes in which codes for urgent warning broadcasts are identifiers.

Ganzer discloses region codes in which codes for urgent warning broadcast are identifiers (alert code/type col. 6, lines 1-16; col. 7, lines 5-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knudson, Picco and Yuen to use the teaching as taught by Ganzer in order to notify user in advance of type of incoming event thereby minimizing damages.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Guo et al. (US 6,173,330) teaches delivery and acquisition of data segments with optimized inter-arrival time

Fujita et al. (US 6,681,394) teaches broadcast transmitting apparatus, receiving apparatus, and broadcast transmitting method, receiving method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C Grant can be reached on 703-305-4755. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh  
February 2, 2005.



CHRIS GRANT  
PRIMARY EXAMINER